

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING)**

**August 13, 2001
7:00 PM**

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Sysyn.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Gatsas, Sysyn, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, Thibault, Hirschmann (late)

Absent: Aldermen Wihby, Levasseur, and Clancy

Mayor Baines advised that the purpose of the public hearing is to hear those wishing to speak with regard to consideration of the public need and necessity for the use of eminent domain to acquire three residential properties located at 3070 Brown Avenue, 3048 Brown Avenue and 3114 Brown Avenue, which are needed in order to proceed with construction related to the new Airport entrance roadway; that the Airport Director shall be requested to make a presentation following which those wishing to speak will be heard; that anyone wishing to speak must first step to the nearest microphone when recognized, recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak and any questions must be directed to the Chair.

Mayor Baines requested that Kevin Dillon, Airport Director, make a presentation.

Mr. Dillon stated first let me introduce, I have Jim Chilton here on my left from Edwards & Kelsey, program manager out at the Airport and I have Chip Spaulding on my right from Hoyle Tanner Associates. They are a sub-consultant to Edwards & Kelsey on the airport project. When we came to you a couple of months ago and asked you to schedule this hearing, at that time we had three properties involved in potential takings. We are happy to report that we were able to reach agreement with two homeowners prior to this evening so we are really only concentrating on one property, 3114 Brown Avenue, the Pelletier property. We will also, though, be speaking about 3048 Brown Avenue, the Gomez property simply because while we have reached an agreement we only have a purchase and sale at this point and in the event that the deal falls through we certainly want to proceed with the eminent domain but it is highly likely that this Friday we will be closing on that property as well. I think as most of you know there has been considerable growth at the Airport over the past few years. In fact, last year the Airport handled 3.2 million passengers. We are expected to be handling between 5 to 7 million passengers by the end of the decade and certainly Brown Avenue, as configured today, is really not sufficient to handle that level of traffic flow. As a result, the Airport, over the past two years, has been working with the local community and different planning entities within the City to make considerable improvements to Brown Avenue that will carry us through until the state access road comes on line. If you look at the current schedule for the state access road, the state still calls for that to be completed around 2004, however, they are updating that schedule and based on what we see at the Airport it is more likely that that road will not come on line until around 2006. So, certainly any improvements that we can bring on line to Brown Avenue before then are certainly needed because we do believe the majority of that 5 to 7 million passenger growth will be occurring within the next five year timeframe before the state access road comes on line. What we would like to do at this point is I am going to turn it over to Jim Chilton from Edwards & Kelsey. Jim will just run you through, very quickly, the overall roadway project at the Airport just

so he can orient you as to how the Brown Avenue tie in relates to the overall program and then I will ask Chip Spaulding to talk about the specific impacts on the two properties in question.

Mr. Chilton stated I am going to use the illustration we have here to give everybody an overview of the road program that is underway at the Airport. Just to get you oriented, the existing entrance off of Brown Avenue is right here. This is the road that goes into the Airport. The Executive Health Club as you can see is the large red building in the center of the drawing. The yellow piece that is here is the first phase of the construction. This is under construction now and includes redoing the parking lots in front of the Executive Health Club and also includes putting a road down underneath a taxiway bridge. The taxiway bridge is right here. As you can see there is a taxiway being built right in this area as well. We have to get the taxiway over to the end of runway 6, therefore, we have to push the road down and underneath the taxiway. The yellow piece is under construction now. We plan on moving traffic off of the detour road, which is currently used to get traffic into the terminal, sometime in late September or early October. At that point in time, traffic will get in and out of the Airport underneath that taxiway bridge. We are under design right now for the purple piece, which are the improvements along Brown Avenue. We are essentially going to create a four-way intersection and get rid of two three-way intersections. Currently North Perimeter Road comes in right here at the intersection of Airport Drive and we have Brown Avenue, which comes north/south and we have Airport Road that connects into Brown Avenue. We are going to take those two three-way intersections and make one four-way intersection out of it, which you can see is the purple. We have acquired most of the property that we need in this area to make the Brown Avenue improvements work. As Kevin said earlier, there are three properties, two of which the Airport is acquiring. One property, which Chip will talk about in a few minutes, is located right in this vicinity here. The purple, just to tell you a little about what the purple is going to do for us, it is going to certainly increase the ability of traffic to get in and out of the Airport. We will

get rid of that intersection here at North Perimeter Road and we will continue to allow traffic to go southbound towards Litchfield. In conjunction with the City Highway Department, we are designing the improvements in this area to match in with the bridge widening that is going to occur over the Cohas Brook, as well as to match in with improvements the City is planning around Brown Avenue north of the brook. This is under design right now. We propose to build a detour road, which will take traffic around the construction area while the purple is being built. That detour road is scheduled to go to construction later this fall. We want to get that into position and get the utilities moved over so that next spring we can start a contractor on the big purple portion here. We intend to spend all of next construction season building the purple portion. The purple portion will be matched into the yellow, which will be completed this fall and once this is done we will have a brand-new intersection and road system in and out of the Airport. The blue that you see here is part of the state access road, which ties into the work that the Airport is doing and will loop down. You don't see the whole picture here, but it loops to the west and goes across the Merrimack River. As Kevin pointed out, the state is working on environmental assessments necessary to go to design on that and we hope that sometime in the next two to three years or so the state will be able to get the construction started. Any questions on the big picture?

Alderman Lopez asked on the road that you are going to build on Brown Avenue this fall...the small road, is that going to handle all of the traffic that is on Brown Avenue.

Mr. Chilton answered yes. What will happen is traffic will come off of Brown Avenue, go down onto this two-lane road and it will come back to a four-way intersection right at the existing light. Traffic will go back and forth along this loop here using that detour road.

Alderman Lopez asked one lane north and one lane south for the detour.

Mr. Chilton answered that is correct.

Alderman Lopez asked do you think that is going to take care of the problem.

Mr. Chilton answered we have two lanes in this area now.

Alderman Lopez stated but you also have a third lane going into the Airport.

Mr. Dillon replied in terms of the actual traffic view, if you look at how the roadway operates today essentially you only have the one lane in each direction. That common lane in the middle is really there predominantly to allow the homeowners who are in that area to get in and out of driveways and for folks to get into the side streets. I think what you may be referring to is at certain times of the day we do allow double turning into the Airport at that intersection. For a good portion of this work you will still have that capability because what they are talking about in terms of this temporary detour road, is further to the south than the existing intersection.

Mr. Chilton stated I would like to turn it over to Chip Spaulding who will discuss the detail of the properties in question tonight.

Mr. Spaulding stated what I am going to do is refer you to the Brown Avenue and Detour Improvements plan that you have in your packet. It is a black and white plan. These improvements right here really focus on the improvements being done on Brown Avenue and we also have the overlay for the proposed detour on here as well, which Jim mentioned earlier. Real briefly, the detour road that we are proposing is basically an extension of Olmstead Avenue. Olmstead currently dead-ends at Devon Street. We are proposing bringing Olmstead to the north, paralleling Brown Avenue, and coming to the intersection of where the Airport Road is currently with Brown Avenue. These improvements are being planned to be done this fall, but we don't plan on using that road

until the spring of 2002 for a very short period of time – I am going to say about four months at the most. The improvements here are going to be built in the fall of this year, but there won't be the Litchfield traffic traveling on the detour road. What is going to happen is this plan is going to be built in phases for the contract for improvements. The first phase is basically going to be developing and improving the east side of Brown Avenue and what will happen is at that point in the spring of 2002 we will open up this detour road and Airport Road, which will allow the traffic going to Litchfield to come down here but basically the traffic wanting to get up to Airport Road is going to be the same. They are still going to take that left-hand maneuver to get up to the Airport. The second phase, which is going to occur in mid-summer 2002 will be shifting the traffic from the east to the west on Brown Avenue and what it is going to do is it is actually going to open up this entire intersection. By having this detour on line in the early spring and summer of 2002, the work that is necessary to build this intersection is able to be completed and it can go on line in the mid summer to late fall of 2002. Let me go through a couple of other improvements that are being proposed. Jim Chilton already mentioned them. They are going to take out the two T intersections of North Perimeter Road to Airport Road and Airport Road to Brown Avenue and we are creating one four-way intersection, bringing the two T intersections together. We are realigning Brown Avenue traveling towards Litchfield. It is going to be realigned basically into the Airport Road. We are going to realign North Perimeter Road. We are actually bringing that alignment straight down towards the river and that is going to be realigned with South Brown Avenue going towards Litchfield. A couple of other improvements we are proposing. We are going to terminate the access of Newbury Road to Brown Avenue. We are going to put a cul-de-sac there and make the connection of Newbury Road to North Perimeter Road to try to minimize the number of curb cuts on Brown Avenue. Now with these improvements taking place, there is going to be a considerable amount of fill here and in order to get this detour road to work correctly, we have some impacts. What I am going to do now is refer to the blow up plan that shows the Gomez property and the Pelletier property. So I am going to be referring to this plan over here. Again,

this is just a blow up of the two plans that you have been looking at earlier. Again, to orient yourself, the Merrimack River is at the bottom of the sheet here. Cascade Circle. Brown Avenue is shown in the light or the white area here and this is Newbury Road as it connects to Brown Avenue. The two properties that are having the impacts were the proposed road improvements, the Pelletier property right here which is again to the west of Brown Avenue and south of Cascade Circle and the Gomez property, which is just north of Cascade Circle and again to the west of Brown Avenue and to the east of the Merrimack River. In order to make the detour roadwork correctly and to align it with Airport Road, we will need to go through the Pelletier property and it is not just a simple horizontal alignment that we are dealing with. We are also dealing with vertical grades as well. I am going to just step through the Pelletier property first and then I will go over to the Gomez property. The three different colors that you see on these plans here...the yellow represents the proposed right-of-way taking that is required for the actual road to be constructed. The green here represents the permanent easement necessary for the detour road itself, which you can see highlighted right here coming in towards Brown Avenue. The blue shading here represents a temporary easement necessary in order to do the construction. This area actually represents the slopes needed to build this temporary detour road. The areas in the gray real quickly are areas that the Airport has already purchased and it is now Airport property so you can see the Airport has pretty much purchased all of the properties around the Pelletier property basically to the Merrimack River and to the east of Brown Avenue. We have a legend on the bottom and it shows the necessary takings for the properties. I will step through that real quickly with the Pelletier property. The Pelletier property is on the bottom column of your plan. The required taking for the right-of-way is going to be 5,919 square feet. For the permanent easements there is going to be a necessity of 17,845 square feet needed and for the temporary construction easement there is going to be an additional 9,000 square feet needed. What I would like to do now is talk about the Gomez property, which is north of Cascade Circle. Again, the alignment of the current Brown Avenue is this area right here. The dashed lines actually represent the current right-of-way of Brown Avenue.

The solid blue lines represent the proposed right-of-way for the improvements on Brown Avenue. For the taking for the right-of-way for the Gomez property, a total of 2,809 square feet is going to be necessary and the permanent slope easements necessary on the Gomez property is a total of 652 square feet. After the Brown Avenue improvements have been made, this section of the detour road will be taken out. However, there will be permanent utilities that will be staying in that location. We are relocating a water force main. The water force main is going to be coming off of Brown Avenue and it is going to be basically going down this detour road. It is going to go all the way down basically to the Devon Street connection and then come back up to Brown Avenue. We also have a gas line that is coming down there and we also have overhead utilities for power and telephone. Even when this portion of the roadway goes away after the improvements are made to Brown Avenue, there still will be utilities going down this corridor so that is why it is necessary to keep this area in green as a permanent easement so those utilities can be maintained. I think that summarizes the scope of our work. If you have any questions, I would be happy to answer them.

Alderman Thibault asked the one property that you claim you have not acquired yet and are having problems with, what is going on with that at this point.

Mr. Dillon answered the one property in question is the Pelletier property. We have had ongoing discussions for at least the last six months with the current owner of the property. The property changed hands I believe last September so we have been having conversations with the current owner since then. Basically we are at an impasse over the value of the property. That is really what the issue is at this point. We have made what we feel is a very fair offer, even above the market appraisal that we have on the property but we just have not been able to reach an understanding with the owner.

Alderman Gatsas asked what did they pay for the property six months ago.

Mr. Dillon answered I am not too sure I have that information but I can tell you we had an appraisal done on that property in September 23, 1999 and updated in March of this year and the appraisal in March showed a value of \$118,000.

Alderman Gatsas asked what was it updated from.

Mr. Dillon answered in September of 1999 it was \$100,000.

Alderman Gatsas asked so we don't know what they paid six months ago.

Mr. Dillon answered we don't have that information.

Alderman Shea asked has the current assessment changed the appraisal that was done in September.

Mr. Dillon answered no. When we go out and do an appraisal on a home it really has no bearing on what the assessment is. It is based on a market appraisal and what the house would sell for.

Alderman Shea replied I am talking about the recent revaluation. Are you considering that?

Mr. Dillon responded no. Again, assessment really has no impact on the market appraisal.

Alderman Shea asked why wouldn't that be the case.

Mr. Dillon answered again when we go out and do a market appraisal on the home, what we are looking at it what is the value of the home at that particular time as it would relate

to comparables. This appraisal was done in March of this year. Again, the current assessment that is coming out would not have any bearing on the appraisal that we have done. Again, what we are looking at and we are looking at a lot of different factors when we assign a market value to a home, but particularly it is related to what a comparable home in that area would sell for. As I said, it is looked at in relation to other comparables that have been sold.

Alderman Shea asked so wouldn't the assessment that they did...isn't that comparable to what the other houses are assessed at in that particular location. I am just using that as an example. Where I live I am assessed so much and apparently most of the houses around where I live are assessed for the same amount. Where Alderman Wihby lives they are assessed for where he lives, etc. Wouldn't that be the case or are there no other houses there?

Mr. Dillon answered again we do not necessarily look at an appraisal as it relates to an assessment for tax purposes. This is an assessment for resale purposes. We may be talking semantics.

Alderman Gatsas stated let me ask the question that I believe Alderman Shea was trying to get to. Do you know what the property has been revaluated for?

Mr. Dillon replied no I do not.

Alderman Gatsas stated I think the owner must be here and he must know what it is. Is he here?

Atty. John Cronin who is representing Mr. Pelletier stated \$129,000.

Alderman Gatsas asked what did he pay for it six months ago. How much were the transfer tax stamps?

Atty. John Cronin answered we don't know.

Alderman Vaillancourt stated it would be quite a simple matter to figure out what it is currently valued at. If anybody had a computer they could patch into it now and give it to us fairly readily from the Internet.

Chairman Cashin asked didn't Atty. Cronin just say it was valued at \$129,000.

Atty. Cronin answered approximately. What we want to talk about tonight is the scope of the plan and the value. If the Airport doesn't want to pay what we believe the fair market value is, we would like the permanent easement removed because we don't believe that is necessary for the long-term plan. It may be needed temporary to satisfy the by-pass road.

Alderman Vaillancourt stated my point was simple and we can get that exact number fairly quickly. Regarding the extension of Olmstead Road, are people coming up from Litchfield or wherever going to take a left on Devon and then come up Olmstead? How are they going to connect in there?

Mr. Spaulding replied what is being proposed and I am going to refer to the black and white plan that you have, there is a dashed line that comes off of Brown Avenue onto the Olmstead extension. What is being proposed is basically a temporary throwaway road to allow traffic off of Brown Avenue to tie into this Brown Avenue detour or the Olmstead connection. You won't be coming to an intersection or you won't have to do a sharp left turn in order to get onto this alignment.

Alderman Vaillancourt stated the real thrust of my question was regarding the people on Olmstead whom I know very well and there are only about half as many as there were a few years ago, but they are a very organized group. So you are not going to be coming close to the people who are there now?

Mr. Spaulding replied that is correct. What we will be doing is Devon Street will be temporarily blocked off but the residents who live on Olmstead, I am going to say south of Devon Street, they will still have access on Devonshire Street.

Alderman Vaillancourt asked have you notified the people on Olmstead Street about this. I think there are only about 18 houses there now.

Mr. Dillon answered we have only really had detailed conversations with those who are directly impacted in terms of the new roadway. Certainly as you are aware we have had a number of public meetings where at large this program has been presented but we haven't had individual conversations with people.

Alderman Vaillancourt stated the other question is Newbury Road. The closing off of Newbury Road at Brown Avenue. Of course, you have the church up at the top there. Have you talked to the people on Newbury Road or at least the church?

Mr. Dillon replied yes. We have had conversations with all of the residents of Newbury Road. We do have the obligation to get back to them and give them the specific details but we did have an agreement conceptually from folks on Newbury Road that they would like to see the roadway reconfigured as you see here tonight but we do have the obligation to get back to them and explain to them the elevation differences. There was a concern expressed...one family has a school child I believe that gets the bus on Brown Avenue and we needed to provide a walkway access through the closed end.

Alderman Gatsas asked is it public information about the asking price. You said you were at an impasse. Obviously we now what you have offered. What is the seller looking for?

Mr. Dillon answered I don't want to mislead you. That is not what we offered. The \$118,000 was the appraisal price. The Airport offered considerably higher than the appraisal price.

Alderman Gatsas asked is that public information or not.

Mr. Dillon answered I would defer that to the City Solicitor.

Solicitor Clark replied yes it is. There is no problem with that being public.

Alderman Gatsas asked what did you offer.

Mr. Dillon answered \$209,000.

Alderman Gatsas asked what are they asking.

Mr. Dillon answered the asking price as we understood it at the time we proceeded was \$300,000 although the owner has also come forward with different scenarios of leaving pieces of the parcel and trading different pieces of the parcel so it has changed somewhat but at best I could define it as about \$300,000.

Chairman Cashin stated so as I understand it your offer is \$209,000 and they are asking for \$300,000.

Mr. Dillon replied again I would rather have the property owner clarify exactly what he is asking for now but our last offer was \$209,000.

Chairman Cashin called for those wishing to speak.

John Cronin, 81 Wagner Street, Manchester stated:

I am a 20 year resident of the City. I practice law here on Chestnut Street and I am here tonight on behalf of Christine and Longine Pelletier, the owners of the property that has mentioned. We understand that the issue before you tonight is the public necessity for the takings as has been outlined by Mr. Dillon and his staff. Initially, I want to clarify that Mr. Pelletier has not been obstinate and standing to block the progress at the Airport. He has been involved in negotiations with the Airport for either trading this particular property, keeping it with some restriction or selling it out right. The figure of \$300,000 that has been asked for is not something that has been pulled out of the air. Mr. Pelletier was approached by Global Realty some time ago. They asked him if he would be interested in selling the property because that location to the entrance road had tremendous commercial value. The real estate professionals at Global recommended that he list it at \$400,000. They brought to him this spring a purchase and sales contract with a value of \$300,000 and that is where the number comes from. We have looked at this and I have been involved in other eminent domain cases and despite what the assessment might be and despite what Mr. Pelletier may have paid for the property, we believe the critical issue is what is the current market value. Mr. Dillon has been courteous. He has kept his door open. He sat down with us and we got into a debate, a reasoned debate over what the highest and best use of this property is. Mr. Dillon said that he could not pay the \$300,000 because his appraisers are telling him that it is a residential property and that is the highest and best use. The \$300,000 offer comes from a commercial user and if you look at the maps that are before you tonight, you will see that the Airport, no doubt a very aggressive commercial user, dominates that particular area. On both sides of the Pelletier property they own acreage. There is massive development across the street. We

will submit that that is not a residential area and when it is condemned the City will be hard pressed to prove that it should be valued as residential. The reason why...I am sure that all of you have reviewed the Part 150 in the Master Plan and at the end of that runway we have runway protection zones that are less than what is required by the FAA and the reason that they allowed them was to relieve pressure from Logan and the physical characteristics up there. They are smaller than ideal. They have been approved. I am not suggesting that they are not approved, but if you look at the Part 150 in the Master Plan, you would find that it would be inappropriate to use that particular parcel for residential development. No one in their right mind would go out and build a house on that lot. So, we believe that it should be valued commercially. If you take a look at it, certainly its highest and best use is commercial and we are asking to be paid the commercial value. Some people would say well aren't you being aggressive and looking for too much and I think when somebody buys property as Mr. Pelletier did and again not six months ago but 10 years go, they are entitled to the investment back expectations. If someone besides you builds a fancy house and increases the value of your neighborhood, you should be entitled to the benefit. Mr. Pelletier should be entitled to the same. Now if we can't come to reasons on what the value is and I am hopeful that we can, looking at the scope of the taking and the public necessity, I would suggest that the area that is outlined as permanent easement should only be a temporary easement. If the City doesn't want to pay the commercial value, Mr. Pelletier will retain it, he will hold it and wait for some commercial buyer to come along. In that green area as I have heard tonight, it is an easement area for utilities. There is no reason why those utilities can't be put in the set back and they can't be put in such a way that they won't encumber the future use of that property. We would ask that the authority for the taking and the approval granted tonight be limited to the yellow area, which is the feet taking in the front of the parcel and that the other areas be designated as temporary easements to be removed at such time as that by-pass road is no longer necessary. Thank you for your time and consideration.

Alderman O'Neil stated Attorney Cronin I think you are clear that you believe the property is valued at a certain higher number because you believe it should be valued commercially. Do you know, and again this may not be a fair question, of other properties that the Airport has taken in the area do you know were those considered under residential or under potential commercial use?

Atty. Cronin replied I think initially they were all appraised as residential with the exception of maybe that market. I am not privy to the negotiations that went to the settlement and certainly tonight those properties that have recently settled I don't know what they settled at. I do know that there were a number of properties here listed adjacent to Mr. Pelletiers. One was a 30,000 square foot parcel that was listed by Global for \$895,000. There are others along that road as well that I have seen in my travels that seem to be commercial.

Alderman O'Neil stated I know at one point back some time ago Global was before us for rezoning and I think they led a lot of people to believe that it was certainly in their best interest to get it rezoned. I don't know if it was in the homeowner's best interest. I hope Mr. Pelletier was not misled by Global in any way because that ended up going nowhere. Kevin, do you know how many properties the Airport has purchased on Brown Avenue?

Mr. Dillon replied related to this particular project there were approximately 13 properties.

Alderman O'Neil asked and how about...there have been other purchases over the years though correct.

Mr. Dillon answered when I say 13 properties, those are properties that are impacted to the south of the brook. We are also looking to acquire the 19 homes on the west side north of the brook. At this point we have acquired about 15 of those homes and we have

also acquired in excess of 80 homes that are located in our runway protection zone at various locations around the Airport.

Alderman O'Neil asked and at the time you made those purchases, were they all in the residential zone or were there any zoned commercial.

Mr. Dillon answered I believe they were all residential.

Alderman O'Neil asked so the market value on those agreements was based on residential use then and not commercial use.

Mr. Dillon answered correct. All of the offers would have been based on a residential appraisal.

Alderman Gatsas asked, Atty. Cronin, what is the current zoning there.

Atty. Cronin answered residential I believe.

Alderman Gatsas asked then why would you continually call it being sold as commercial.

Atty. Cronin answered because I think the test in an eminent domain proceeding is market value and they look at highest and best use, which is first a feasible issue that an appraiser will go through.

Alderman Gatsas stated but you said that Global had it on the market as commercial use.

Atty. Cronin replied that is correct.

Alderman Gatsas stated they couldn't have had it for commercial use. They must have had it as commercial use subject to a variance. They couldn't have advertised it that way or I think they might have had their license yanked.

Atty. Cronin replied I think it happens all the time that they say ideally suited for something and then it is up to the buyer to do their due diligence and get their approvals. It happened all the way up and down South Willow Street.

Alderman Gatsas responded but I think it is usually done subject to.

Atty. Cronin replied I would assume that any prudent buyer would want to make sure that they had every approval they needed before they closed.

Alderman Gatsas stated so somebody could advertise this land as multi-family and you could put somewhere around 150 units there.

Atty. Cronin replied if you read the Part 150 in the Master Plan and your due diligence, I think you would find that it is in the area of the runway protection zone and it would be precluded so you wouldn't get very far.

Alderman Gatsas stated but I am just saying that using that as an analogy, I could call it anything.

Atty. Cronin replied I could call it a casino but I don't think that would fly.

Alderman Gatsas asked, Kevin, why would you offer somebody that much more money over the assessed value and appraised value.

Mr. Dillon answered we try to follow as best as possible the Uniform Act even though we are not required to and we have certain leeway under the Uniform Act to issue premiums over and above the appraised price. A lot of times we will have to pay for moving expenses. We also have to pay for the relocation of tenants though usually when we make an offer like this it is a comprehensive package that will incorporate not only the value of the property but the value associated with those other items. There are tenants involved with this particular property. We also, in terms of making that offer, have taken into consideration staff time associated with this process and the City Solicitor's time and other staff that will be involved in any court proceeding that follows this to actually determine value.

Alderman Lopez stated, Kevin, could you address...the attorney said something about the green area for the utilities. Do they have to go there?

Mr. Dillon replied one of the things that might not be apparent by some of these drawings and I will ask the engineers to jump in if I don't quite state this correctly is the elevation of Brown Avenue changes considerably. For us to leave the utilities at Brown Avenue you would then have a condition where you would potentially have utilities 30 feet underground. That is certainly unacceptable to the Highway Department in terms of having to maintain the water and that is why we have moved them off to the side where they would be more accessible.

Alderman Vaillancourt stated Global Realty, zoning, Brown Avenue, we went through this when we did the rezoning earlier this year and we decided at that time that this was not something we were going to rezone but instead of testifying...Kevin you have met with the people in this area and I assume that any rezoning before this Board would take into account some of their ideas and thoughts and hopes. Could you tell us what the thrust of those meetings has been?

Mr. Dillon replied we have spent considerable time interacting with the community as we look to widen Brown Avenue. There has been a lot of discussion regarding some of the folks on what would be the east side of Brown Avenue. There are six properties over there that have indicated a desire to be rezoned as commercial. It was put out to the community at a meeting where the attendance was about 100 individuals and it was almost unanimous at that meeting that they did not want the area rezoned commercial. They wanted it to stay residential. The Airport has been asked its opinion on that and the Airport has no desire to develop areas that it owns off of Brown Avenue. We do feel that zoning is a community issue and really the community needs to decide right now. It is our understanding that they want it to remain residential.

Alderman Gatsas asked, Kevin, was this your original offer.

Mr. Dillon answered no it wasn't.

Alderman Gatsas asked what was the original.

Mr. Dillon answered originally we offered appraisal plus moving costs plus the cost of relocation and that has changed over time as the appraisal has changed. As I said, the first offer was \$100,000. The second was \$118,000. That was in March. Because of the elapsed time between March and now, this appraisal should be updated again and it would reflect the different appraised amount.

Alderman Gatsas asked so you went from \$100,000 to \$118,000 to \$209,000.

Mr. Dillon answered that is correct.

Chairman Cashin advised that all wishing to speak having been heard, the testimony presented will be taken under advisement and considered by the Board of Mayor and Aldermen at a later date.

There being no further business to come before the special meeting, on motion of Alderman Shea, duly seconded by Alderman Lopez, it was voted to adjourn.

A True Record. Attest.

City Clerk